

BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of:

Chad Robertson
Respondent.

No. 2021-010

STIPULATED FACTS,
CONCLUSIONS OF LAW AND
AGREED ORDER

THIS STIPULATION is entered into by Respondent, CHAD ROBERTSON, and Board Staff of the WASHINGTON STATE EXECUTIVE ETHICS BOARD (Board) through KATE REYNOLDS, Executive Director, pursuant to chapter 42.52 RCW, chapter 34.05 RCW, and WAC 292-100-090(1). The following stipulated facts, conclusions of law, and agreed order will be binding upon the parties if fully executed, and if accepted by the Board without modification(s), and will not be binding if rejected by the Board, or if the Respondent does not accept the Board's proposed modification(s), if any, to the stipulation. This stipulation is based on the following:

A. STIPULATED FACTS

1. On March 5, 2021, the Executive Ethics Board (Board) received a complaint alleging that Chad Robertson (Mr. Robertson), Classification Counselor with the Department of Corrections (DOC), may have violated the Ethics in Public Service Act. The complaint alleged that Mr. Robertson used state resources for his personal benefit and gain. Specifically that Mr. Robertson had used, and allowed inmates to use, his state computer to browse websites related to fantasy football.

2. Mr. Robertson was appointed to the position of Classification Counselor 2 at the Coyote Ridge Correctional Center (CRCC) for DOC in October of 2017 and has been in that position for all time pertinent to this investigation.

3. Kristen Williams (Ms. Williams), Correctional Unit Supervisor, indicated in her response that Mr. Robertson did not have approval to allow inmates access to his work computer.

4. Ms. Williams indicated in her response that she became Mr. Robertson's supervisor on January 19, 2021. Ms. Williams further indicated in her response that when she first came on board she was informed by Mr. Robertson that an inmate had requested his computer usage via a public disclosure request.

5. Ms. Williams indicated in her response that Mr. Robertson told her that he accessed fantasy football.

6. Tracey Stuenkel (Ms. Stuenkel), Mr. Robertson's direct supervisor for the period of January 2019 through January 2021, indicated in her response that she works in the same work area as Mr. Robertson.

7. Ms. Stuenkel indicated in her response that she was not aware of Mr. Robertson's personal internet activities prior to this ethics investigation.

8. Ms. Stuenkel indicated in her response there are times when a counselor would be required to allow inmates to view their computer screen for video/virtual court hearings, video/virtual deathbed visits, video/virtual funeral trips via Skype or Microsoft Teams, as well as video ISRB (Indeterminate Sentence Review Board) hearings, but she is not aware of any instance where Mr. Robertson would have allowed a DOC inmate to use any DOC computer where the inmate would physically touch the computer.

9. Mr. Robertson indicated in his response to Board staff that he has never allowed inmates or anyone else to use his DOC login ID to log onto his work computer.

10. Mr. Robertson indicated in his response that he has accessed internet sites such as fantasy football and Madden Football but that they were accessed during his lunch period or other times on a limited basis for which he received no personal gain.

11. On April 14, 2021, Board staff received a forensic copy of Mr. Robertson’s user profile via Secure File Transfer.

12. A forensic copy of Mr. Robertson’s user profile was created using FTK Imager software and Tableau Read/Write block protection hardware/software. The newly created forensic copy was used to conduct an analysis using Magnet Forensics Axiom 4.2 software.

13. Board staff’s examination of Mr. Robertson’s internet activity revealed that he was using two different internet browsers; Google Chrome and Internet Explorer. See examples below of personal use found by Board staff:

Internet (12/13/18 through 3/11/21)

Chrome visits:

MADDEN FOOTBALL – <https://www.muhead.com> (10/30/20 through 3/11/21)

Month/Year	# of days	# of visits/month	Estimated time	#of artifacts ¹
Dec/2020	6	18	459 min/7.65 hrs	2641
Jan/2021	12	35	265 min/4.41 hrs	1872
Feb/2021	1	5	17 minutes	472
Mar/2021	3	3	10	78

FANTASY FOOTBALL (8/22/20 through 10/23/20)

Month/Year	# of days	# of visits/month	Estimated time	#of artifacts
Sept/2020	8	13	62 minutes	198
Oct/2020	3	3	7 minutes	72

¹ Internet artifacts are anything left on the computer from any action involving internet activity, such as URL’s or downloads. It doesn’t indicate number of visit or clicks on a specific internet site.

Fantasy Football – Downloads (1)

URL (https://)	Page Title	Date/Time
fbschedules.com/wp-content/uploads/2019/12/2019-20-bowl-schedule.ics	2019-20-bowl-schedule.ics	12/19/2019 3:07 PM

URL(https://)	Page Title	Date/Time
football.fantasysports.yahoo.com/f1/387258/players	Player List Fantasy Football Yahoo! Sports	9/9/2020 1:32 PM
espn.com/fantasy/football	Fantasy football rankings - NFL Week 1	9/9/2020 3:56 PM
espn.com/fantasy/football/story/_/id/29639459/fantasy-football-rankings-2020	Fantasy Football Rankings 2020	9/10/2020 10:26 AM
espn.com/nfl	NFL Football Teams, Scores, Stats, News, Standings, Rumors - National Football League - ESPN	9/11/2020 8:12 AM
espn.com/nfl/scoreboard	NFL Football Scores - NFL Scoreboard - ESPN	9/11/2020 2:56 PM
google.com/search?q=guillotine+fantasy+football&tbm=isch&ved=2ahUKEwjC7JW	guillotine fantasy football - Google Search	9/15/2020 4:03 PM
football.fantasysports.yahoo.com/f1/387258/matchup	Fantasy Football Yahoo! Sports	9/21/2020 12:52 PM
sports.yahoo.com/nfl/players/24811	Cameron Jordan New Orleans Saints National Football League Yahoo! Sports	10/21/2020 1:24 PM

EDGE – 3 days (1/10/19, 3/19/19 and 8/2/19)

URL (https://)	DATE
espn.com/login/responder/index.html?clientId=ESPN-ONESITE.WEB	1/10/2019 10:22 AM
fantasy.espn.com/tournament-challenge-bracket/2019/en/entry	3/19/2019 3:48 PM
fantasypros.com/2019/08/football-podcast-where-the-expert-consensus-is-wrong-fantasy-fill-in-the-blank	8/2/2019 1:29 PM

COLLEGE FOOTBALL

Chrome (11/19/20 through 1/22/21)

URL(https://)	Page Title	Date/Time
espn.com/college-football/schedule	FBS (I-A) Conference Schedule - 2020 - NCAAF - ESPN	11/19/2020 3:57 PM
espn.com/college-football/team/_/id/264/washington-huskies	Oregon State vs. Washington - Game Summary - November 14, 2020 - ESPN	11/19/2020 3:58 PM
espn.com/college-football/story/_/id/30753918/notre-dame-placed-probation-one-year-recruiting-violations	Notre Dame football placed on probation for one year over recruiting violations	1/22/2021 2:14 PM
espn.com/college-football/player/_/id/4428997/sav'ell-smalls	Sav'ell Smalls Stats, News, Bio ESPN	1/22/2021 2:22 PM
espn.com/college-football/player/_/id/4039015/ryan-bowman	Ryan Bowman Stats, News, Bio ESPN	1/22/2021 2:22 PM

IMAGINARY WRESTLING ASSOCIATION (IWA) – Online gaming

Chrome (9/20/20 through 1/12/2021)

URL(http://)	Page Title	Date/Time
playiwa.com	Welcome to the IWA	9/9/2020 11:08 AM
playiwa.com/main.htm	IWA Home Page	9/9/2020 11:08 AM
playiwa.com/champs/champs.htm	IWA League Champions	9/24/2020 10:03 AM
playiwa.com/bulletins/BRL.pdf	IWA Bulletin	9/24/2020 10:03 AM
playiwa.com/main.htm	IWA Home Page	9/29/2020 12:14 PM
playiwa.com/values/values.htm	IWA Hold Values	9/30/2020 8:20 AM
playiwa.com/iwareport.htm	IWA Report	10/15/2020 8:53 AM
playiwa.com/	Welcome to the IWA	11/10/2020 10:58 AM
playiwa.com/main.htm	IWA News	11/10/2020 10:58 AM
playiwa.com/champs/champs.htm	IWA Results	11/10/2020 1:51 PM
playiwa.com/values/steel.htm	IWA Hold Values	11/24/2020 12:27 PM
playiwa.com/main.htm	IWA News	12/22/2020 11:33 AM
playiwa.com/values/gold.htm	IWA Hold Values	12/22/2020 12:46 PM
playiwa.com	Welcome to the IWA	12/22/2020 3:25 PM
playiwa.com/main.htm	IWA News	1/12/2021 1:16 PM
playiwa.com/champs/champs.htm	IWA Results	1/12/2021 1:16 PM

Edge (4/19/19)

URL (http://)	Page Title	Date/Time
playiwa.com	Welcome to the IWA	4/19/2019 3:22 PM
playiwa.com/values/gold.htm	IWA Hold Values	4/19/2019 3:25 PM
playiwa.com/champs/champs.htm	IWA League Champions	4/19/2019 3:25 PM

playiwa.com/main.htm	IWA Home Page	4/19/2019 3:26 PM
4/19/2019 3:25:39 PM	4/19/2019 3:25:39 PM	4/19/2019 3:25:39 PM
4/19/2019 3:25:39 PM	4/19/2019 3:25:39 PM	4/19/2019 3:25:39 PM

Documents (36) Match Selection Sheets (Front and Back) (2/7/20 through 10/15/20)

Match Selection Sheets identify Mr. Robertson as the requester and that he was enclosing money (\$12 to \$15) per entry. The form also indicated that his credit card is on file and that his wrestler's ID # is 156.

The Match Selection Sheets were downloaded using <https://www.pdfescape.com>. See examples below:

URL(https://www.pdfescape.com)	Date/Time	Download opened
Strategy_Back.pdf	2/7/2020 10:00 AM	Yes
Strategy_Front.pdf	2/7/2020 11:46 AM	Yes
Strategy_Back (1).pdf	2/28/2020 10:50 AM	Yes
Strategy_Front (1).pdf	2/28/2020 10:59 AM	Yes
Strategy_Back (2).pdf	3/19/2020 2:21 PM	Yes
Strategy_Front (2).pdf	3/19/2020 2:28 PM	Yes
Strategy_Back (3).pdf	4/9/2020 3:44 PM	Yes
Strategy_Front (3).pdf	4/9/2020 3:51 PM	Yes
Strategy_Back (4).pdf	5/22/2020 11:44:04 AM	Yes
Strategy_Front (4).pdf	5/22/2020 11:56:16 AM	Yes
Strategy_Back (7).pdf	9/25/2020 9:43:12 AM	Yes
Strategy_Front (7).pdf	9/25/2020 11:10:36 AM	Yes
Strategy_Front (9).pdf	10/15/2020 1:07:12 PM	Yes
Strategy_Back (9).pdf	10/15/2020 1:13:53 PM	Yes

Board Staff found 25 emails related to transfer of documents related to the IWA (5/23/19 through 11/20/20). See some examples below:

Date Sent/Received	From	To	Attachments
5/23/2019 1:25 am	Robertson, Chad A. (DOC)	chad-robertson@hotmail.com	Trash Talk.docx, Trash Talk.pdf
6/20/2019 11:37 am	Robertson, Chad A. (DOC)	chad-robertson@hotmail.com	Trash Talk Summer.docx Trash Talk Summer.pdf
8/16/2019 1:00 pm	Robertson, Chad A. (DOC)	chad-robertson@hotmail.com	Trash Talk Fall.docx Trash Talk Fall.pdf
10/24/2019 3:53 pm	Robertson, Chad A. (DOC)	chad-robertson@hotmail.com	IWA Holds 2019.xlsx
2/7/2020 1:23:00 PM	Robertson, Chad A. (DOC)	chad-robertson@hotmail.com	Strategy Back Feb.pdf Strategy Front Feb.pdf Trash Talk Feb 2020.pdf

3/19/2020 2:49 PM	Robertson, Chad A. (DOC)	chad-robertson@hotmail.com	Header 2 TT.docx Strategy Front March.pdf Strategy Back March.pdf
4/9/2020 3:52:00 PM	Robertson, Chad A. (DOC)	chad-robertson@hotmail.com	Strategy Front April.pdf Strategy Back April.pdf
9/25/2020 11:11 am	Robertson, Chad A. (DOC)	chad-robertson@hotmail.com	Strategy Front Fall.pdf, Strategy Back Fall.pdf TT IWA Fall.pdf
10/15/2020 2:29 pm	Robertson, Chad A. (DOC)	chad-robertson@hotmail.com	TT IWA October.pdf Strategy Back October.pdf Strategy Front October.pdf
11/10/2020 7:47 am	chad-robertson@hotmail.com	Robertson, Chad A. (DOC)	November Strategy Back 2020.pdf

OTHER PERSONAL USE:

Daily Mail Online (9/2/20 through 1/22/21)

Month/Year	# of days Accessed	# of visits/month
Sept/2020	14	38
Oct/2020	8	9
Nov/2020	5	7
Dec/2020	3	6
Jan/2021	7	11

YouTube Music Video's (9/10/20 through 11/24/20)

Month	Day(s)	Time start	Time end	Number
September	10	10:32 am	1:22 pm	14
	17	10:18 am	10:32apm	4
	18	9:46 am	3:24 pm	13
	21	9:19 am	11:05 am	9
November	29	8:52 am	8:58 am	11
	13	3:07 pm	3:16 am	7
	19	3:15 pm	3:54 pm	10
	24	2:42 pm	2:42 pm	1

Some examples:

Title	Date/time	Length - mm/ss
HARDY - One Beer (ft. Lauren Alaina & Devin Dawson) (Official Music Video) - YouTube	9/10/2020 10:28 AM	3:31
HARDY - Give Heaven Some Hell (Official Music Video)	9/10/2020 10:32 AM	4:00

Eric Church - Stick That In Your Country Song (Studio Video) - YouTube	9/10/2020 10:41 AM	3:52
Riley Green - I Wish Grandpas Never Died (Official Live Performance)	9/18/2020 10:03 AM	4:25
Ian Munsick - Long Haul (Official Music Video)	11/13/2020 3:07 PM	3:48
Old Lovers Don't Make Good Friends	11/19/2020 3:19 PM	2:49
Morgan Wallen - The Way I Talk (Official Video) - YouTube	11/19/2020 3:24:15 PM	3:31

B. CONCLUSIONS OF LAW

1. The Ethics in Public Service Act, Chapter 42.52 RCW, prohibits state employees from using state resources for their benefit. RCW 42.52.160(1) states:

No state officer or state employee may employ or use any person, money, or property under the officer's or employee's official control or direction, or in his or her official custody, for the private benefit or gain of the officer, employee, or another.

2. Based on the stipulated facts above, Mr. Robertson used state resources for a personal benefit in violation of RCW 42.52.160.

3. The Board is authorized to impose sanctions for violations to the Ethics Act pursuant to RCW 42.52.360. The Board has set forth criteria in WAC 292-120-030 for imposing sanctions and consideration of any mitigating or aggravating factors.

C. AGGRAVATING AND MITIGATING FACTORS

In determining the appropriateness of the civil penalty, the Board reviewed the criteria in WAC 292-120-030. In the matter at hand, it is an aggravating factor these types of violations significantly reduce the public respect and confidence in state government employees, the violation was continuing in nature.

D. STIPULATION AND AGREED ORDER

1. Pursuant to chapter 42.52 RCW, the Executive Ethics Board has jurisdiction over Chad Robertson and over the subject matter of this complaint.

2. Under RCW 34.05.060, the Board can establish procedures for attempting and executing informal settlement of matters in lieu of more formal proceedings under the Administrative Procedures Act, including adjudicative hearings. The Board has established such procedures under WAC 292-100-090.

3. Pursuant to WAC 292-100-090(1), the parties have the authority to resolve this matter under the terms contained herein, subject to Board approval.

4. Chad Robertson agrees that if any or all of the alleged violations were proven at a hearing, the Board may impose sanctions, including a civil penalty under RCW 42.52.480(1)(b) of up to \$5,000, or the greater of three times the economic value of anything received or sought in violation of chapter 42.52 RCW, for each violation found. The Board may also order the payment of costs, including reasonable investigative costs, under RCW 42.52.480(1)(c).

5. Chad Robertson further agrees that the evidence available to the Board is such that the Board may conclude they violated the Ethics in Public Service Act. Therefore, in the interest of seeking an informal and expeditious resolution of this matter, the parties agree to entry of the stipulated findings of fact, conclusions of law and agreed order.

6. Chad Robertson waives the opportunity for a hearing, contingent upon acceptance of this stipulation by the Board, or their acceptance of any modification(s) proposed by the Board, pursuant to the provisions of WAC 292-100-090(2).

7. If the Board accepts this stipulation, the Board agrees to release and discharge Chad Robertson from all further ethics proceedings under chapter 42.52 RCW for any allegations arising out of the facts in this matter, subject to payment of the full amount of the civil penalty due and owing, any other costs imposed, and compliance with all other terms and conditions of the stipulation. Chad Robertson in turn agrees to release and discharge the Board, its officers, agents and employees from all claims, damages, and causes of action arising out of this complaint and this stipulation.

8. If the Board accepts this stipulation, it does not purport to settle any other claims between Chad Robertson and the Washington State Executive Ethics Board, the State of Washington, or other third party, which may be filed in the future. No other claims of alleged violations are pending against Chad Robertson at this time.

9. If the Board accepts this stipulation, it is enforceable under RCW 34.05.578 and any other applicable statutes or rules.

10. If the Board rejects this stipulation, or if Chad Robertson does not accept the Board's proposed modification(s), if any, this matter will be scheduled for an administrative hearing before the Board. If an administrative hearing is scheduled before the Board, Chad Robertson waives any objection to participation by any Board member at the hearing to whom this stipulation was presented for approval under WAC 292-100-090(2). Further, Chad Robertson understands and agrees that this stipulation as well as information obtained during any settlement discussions between the parties shall not be admitted into evidence during the administrative hearing, unless otherwise agreed by the parties.

11. Chad Robertson agrees to pay a civil penalty in the amount of three-thousand dollars (\$3,000) associated with violations of RCW 42.52. The Board agrees to suspend one-

thousand dollars (\$1,000) on the condition that Mr. Robertson complies with all terms and conditions of this Stipulation and Order and commits no further violations of RCW 42.52 for a period of two years from the date this agreement is executed

12. The civil penalty in the amount of two-thousand dollars (\$2,000) is payable in full to the Washington State Executive Ethics Board within forty-five (45) days after this stipulation is signed and accepted by the Board, or as otherwise agreed to by the parties.

I. CERTIFICATION

I, Chad Robertson, hereby certify that I have read this stipulation in its entirety, that my counsel of record, if any, has fully explained the legal significance and consequence of it. I further certify that I fully understand and agree to all of it, and that it may be presented to the Board without my appearance. I knowingly and voluntarily waive my right to a hearing in this matter and if the Board accepts the stipulation, I understand that I will receive a signed copy.



CHAD ROBERTSON
Respondent

11/3/2021
Date

Presented by:



KATE REYNOLDS
Executive Director

11/11/2021
Date

